

SEP 06 2011

Board of Vocational Nursing
and Psychiatric Technicians

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
4 State Bar No. 171352
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2614
7 Facsimile: (619) 645-2061
Attorneys for Complainant

9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT-2009-2398

13 **LILLIAN YVETTE GREENE, aka**
14 **LILLIAN STOKES**
6895 Astoria Drive
15 **Riverside, CA 92503**

A C C U S A T I O N

16 **Psychiatric Technician License No. PT**
26547

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
22 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
23 Technicians, Department of Consumer Affairs.

24 2. On or about November 7, 1989, the Board of Vocational Nursing and Psychiatric
25 Technicians issued Psychiatric Technician License Number PT 26547 to Lillian Yvette Greene,
26 aka Lillian Stokes (Respondent). The Psychiatric Technician License was in full force and effect
27 at all times relevant to the charges brought herein and will expire on August 31, 2012, unless
28 renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4520 of the Code provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

6. Section 4521 of the Code states:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

....

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

....

(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 2576.6, states:

....

1 (b) A licensed psychiatric technician shall adhere to standards of the
2 profession and shall incorporate ethical and behavioral standards of professional
3 practice

4 (c) A violation of this section constitutes unprofessional conduct for
5 purposes of initiating disciplinary action.

6 COST RECOVERY

7 8. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FACTS

12 9. From approximately December 23, 2003 through September 2009, Respondent was
13 employed in a supervisory capacity at Patton State Hospital in Patton, California.

14 10. Patton State Hospital has provisions for its employees to work a second position in
15 the hospital under their professional licenses (that is, psychiatric technicians or registered nurses).
16 These employees are allowed to work a maximum of 1,500 hours per calendar year in their
17 second position, as long as it does not conflict with their primary job, known as their first
18 position.

19 11. On or about January 16, 2004, while Respondent was employed as a supervisor in her
20 first position at Patton State Hospital, she was appointed to work a second position as a registry
21 psychiatric technician. Thereafter, Respondent submitted timesheets for both her first and second
22 positions for payment to Patton State Hospital through September 2009.

23 12. As part of Respondent's first position supervisory responsibilities, she was in charge
24 of allocating hospital registry staff to assigned shifts throughout the facility in order to ensure
25 compliance with hospital staffing standards and to minimize the use of overtime. Respondent's
26 typical work hours for her first position were from 8:00 a.m. to 4:30 p.m.

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1 13. In October 2009, Patton State Hospital conducted an annual check of hours
2 submitted by second position employees. Respondent's timesheets for 2009 for her second
3 position were reviewed and found to be unusual because staff knew Respondent also had a full-
4 time first position. Respondent's second position hours were close to 1,500 hours, which amount
5 to having a second full-time position. This means that Respondent would have had to work close
6 to 16 hours a day, every day, between her first and second positions. Respondent's second
7 position timesheets were missing explanations for the hours worked and Respondent failed to sign
8 in and out for each shift she allegedly worked for her second position.

9 14. Patton State Hospital performed an investigation and found that Respondent had
10 submitted approximately 63 falsified Absence and Additional Time Work Reports during the
11 approximate period of January 2007 through September 2009, for her second position as a
12 registry psychiatric technician.

13 15. Patton State Hospital's investigation revealed that during the period January 2007
14 through September 2009, Respondent falsified timesheets to show that she worked approximately
15 4,649.75 hours and that Respondent was paid approximately \$130,480.43 for the time she
16 fabricated that she worked in her psychiatric technician position.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct - Commission of Acts Involving Dishonesty)

19 16. Respondent is subject to disciplinary action under Code section 4521(n) in that while
20 she worked at Patton State Hospital, she engaged in acts involving dishonesty when she
21 repeatedly verified and submitted fraudulent timesheet documents to her employer to support
22 payment to her for work she claimed to have performed as a registry psychiatric technician, when
23 in fact, she did not perform the work. Respondent falsified her timesheets to show that she
24 worked as a registry psychiatric technician for approximately 4,649.75 hours that she never
25 worked. As a result, Respondent was paid approximately \$130,480.43 for work that she never
26 performed and that she was not entitled to receive. The circumstances are set forth in paragraphs
27 9 through 15 above, which are incorporated herein by reference.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Failure to Adhere to Ethical
3 And Behavioral Standards of Professional Practice)

4 17. Respondent is subject to disciplinary action under Code section 4521(d) in
5 conjunction with California Code of Regulations, title 16, section 2576.6(b) in that she failed to
6 adhere to ethical and behavioral standards of professional practice when she repeatedly verified
7 and submitted fraudulent timesheet documents to her employer to support payment to her for
8 work she claimed to have performed as a registry psychiatric technician, when in fact, she did not
9 perform the work. Respondent falsified timesheets to show that she worked as a registry
10 psychiatric technician for approximately 4,649.75 hours that she never worked. As a result,
11 Respondent was paid approximately \$130,480.43 for work that she never performed and that she
12 was not entitled to receive. The circumstances are set forth in paragraphs 9 through 15 above,
13 which are incorporated herein by reference.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
17 issue a decision:

18 1. Revoking or suspending Psychiatric Technician License Number PT 26547, issued to
19 Lillian Yvette Greene, aka Lillian Stokes;

20 2. Ordering Lillian Yvette Greene to pay the Board of Vocational Nursing and
21 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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